RECEIVED
MAY 21 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

1979 Term

No. 79-6634

MILLICENT LINDEN,

Appellant,

- v. -

ST. MARTIN'S PRESS & SIDI HESSEL

ON APPEAL FROM THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

(COURT OF APPEALS FOR THE SECOND CIRCUIT DENIED APPELLANT APPEAL)

JURISDICTIONAL STATEMENT

Millicent Linden
Appellant, Pro Se
500 East 74th Street
New York, N.Y. 10021
(212) BU.8-9453

Copyright by Millicent Linden 1980
LIBRARY OF CONGRESS Catalog No.
ISBN Number - 0912628-10-3

IN THE S

SUPREME COURT OF THE UNITED STATES

1979 Term

RECEIVED
MAY 21 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 79-6634

MILLICENT LINDEN,

Appellant,

- v. -

ST. MARTIN'S PRESS & SIDI HESSEL

ON APPEAL FROM THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK

(COURT OF APPEALS FOR THE SECOND CIRCUIT DENIED PLAINTIFF APPEAL)

STATEMENT OF JURISDICTION

Apellant, (plaintiff), Millicent Linden, appeals from the Judgement of the UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK; Chief Justice, David N. Edelstein, granted plaintiff-appellant an order to proceed in former pauperis to prosecute the above-titled action; the trial bench, Judge Milton Pollack, revoked Justice Edelstein's Forma Pauperis order; the Court of Appeals for the Second Circuit, denied plaintiff-appellant leave to appeal in Forma Pauperis; the District court's Judgement is entered in the record on December 31, 1979 (trial held December 26, 1979); the Court of Appeals order denying plaintiff-appellant leave to appeal in Forma Pauperis is dated February 20, 1980; Bill of Costs is

dated January 16, 1980 ($20. docket fee; $419.80 deposition demanded by defendant; total: $439.80) District court, trial bench's order denying plaintiff's motion to vacate Bill of Costs is dated February 5, 1980; plaintiff moved to delay execution of Billof Costs; District court trial bench writes denial from the premise of "remit" rather than "delay"; said order is dated Februayr 19, 1980; copies of said, foregoing orders, annexed in preceding pages; annexed, also, with them, is medical report of physical disability from two injuries: "Severe spinal and pelvic malalignment and temporal mandibualr joint dislocation, dysfunction". Transcript (denied plaintiff)by both courts, District and Appeals) of the trial documents for the record that the trial bench literally intimidated appellant, pressuring rush of time, denying technical arguments, scientific papers, description and explanations for clarification of contentions, denied appellant full examination of author-defendant at crucial points, denied evidence relevant and pertinent to the issues, abused appellant with questions irrelevant to the issues as lack of affiliations with institutions or academic standings, yet acknowledging at the same time that Leonardo da Vinci was not affiliated with academic institutions in any way, that Thomas Alva Edison did not get beyond the eigth (8th) grade, stated that there were "limitations of design" instead of making a decision on the fact based on the merits of facts submitted, etc., thus denying plaintiff-appellant the Constitutional right set forth in Article 1, Section 8. Clause 8, meant to protect innovator's works in arts and science that promote the welfare of society; the trial bench's abuse and intimidated was further extended in demanding a Bill of Costs beyond appellant'a ability to meet the exorbitant amount whiel in full knowledge of appellant's lack of funds and facilities and physical disabilities from severe and serious injuries; the trial bench denied appellant leave to appeal in Forma Pauperis and the Appeals Court denied appellant leave to appeal in Forma Pauperis; appellant has been denied due process in being denied Forma Pauperis; appellant has been denied even a "day" in court to redress grievances and present valid scientific, technical documentation of issues in argument, civil

rights of being heard without intimidation and abuse and ridicule beneath the decorum of fundamental dignity of life and labors by the trial bench and denied hearing because of lack of funds in the appeals court, jurisdiction lies in this Court to whom appellant submits this STATEMENT, for when examined with viewof facts, merits of said facts and their national significance and importance, it becomes self-evident that the issues, questions and rulings are overwhelmingly substantial, and that they automatically, involuntarily involve both the personal and professional interests of this Court to become active in said issues and contentions, now the responsibility of this Court to resolve properly, with justice beyond the interests of just the appellant in these times that call for anxious resolitons to searches for solutions, for denying an unafiliated, independennt individual with a completely untraditional and unfamiliar, entirely original program applicable to contemporary needs is to cut off human progress itself, for it is known that innovators, with overwhelming historical precedences, universally known, are the substantial contributors in human civilzed progress, and this Court, in view of the treatment in the lower courts, is obliged to hear this Appeal, for the record must not be left with a denial of that effort to protect the individual and society.

CITATIONS TO OPINIONS BELOW

There are no opinions to cite for the reason that none were given; not in the District Court and not in the Appeals Court that denied any appeal t all in Forma Papperisp without which, appellant could not proceed, in effect, having been denied due process in regular court procedure on the basis of lack of monies for it. No references to any issues were ever made by any court as presented in the COMPLAINT. The trial bench, throughout entire proceedings, stilted every effort in argument of the issues, and undertook to make statements of direct influence contrary to the premises and dcouments, those received in evidence and pertinent ones denied as evidence. The facts that follow support the foregoing entirely.

JURISDICTION

The issues herein are not limited to your appellant's interests alone; the issues are of national, and even international significance. The issues involve innovation, fundamental innovation, in all directions: the state of health of innovation itself, the state of health of the individual and society as a whole, and the state of progress in inanimate developments as well relating to the contemporary problem of energy and the current dilemmas peripheral to it. With those issues is also that of fundamental right to protect the author's works. In an unworldly fashion, this appellant had at one time presumed that the court, courts, any court, would just automatically be a friend to the unprotected independnent individual, that independence and and individual initiative were at the very heart of our forefathers draft of our DECLARATION OF INDEPENDENCE, and the CONSTITUTIONAL MANDATES declaring that independence. From first hand experience, it has been seen that the procedures of the judicial system are not automatically geared to that aim, geal andideal of protecting the innovative, independent, individual without funds or alliances. In the instant matter, where there is the well-known statute to proceed in Forma Pauperis, and in the absence of means for representation, to be able to proceed pro se, an accepted practice, the trial bench not only denied that right, but acted to revoke the order by the Chief Justice after trial, denied appeal in Forma Pauperis, denied motion to vacate Bill of Costs for both docket and deposition fees demanded by defense and defendants who are not economically deprived, thriving on appellant's works, and the Appeals Court perpetuated the wholesale denial to be heard on appeal on the issues, for lack of monies to pay the fees, knowing of appellant's physical disabilities and lack of monies, using and exploiting those factors and others to both intimidate and preclude any efforts by appellant - even to the extent of denying delaying the execution of the fees, the trial bench with apparent, self-evident evasion, writes in his opinion the word "remit" where "delay" was requested and denied, thus demanding full scale payment where none is possible. This Court

has the only jurisdiction now to protect the interests of the Nation as well as the appellant. That the matter is so serious as to warrant this Court's attnetion and ruling will not fail to be seen in the facts that follow. Chief Justice Oliver Wendell Holmes is known to have been active when in his 90's; this Court would wish to have that information thatcontributes to facts ta large which explain the phenonmenon, common yet unobserved and unexploited; this Court would wish to recognize and rule on the self-evident fact that the exploration of space, considered the "last frontier" and pioneering of most modern advancement is a concerted effort of immense costs but that it began with the findings of those independent individuals, with but their own intaitive thoughts rather than organized sciences and institutions, as Professor Einstein himself informed reporters on his beginnings of Relativity before he was known or had academic standings. This court would wish to associate for the sake of society and the world at large the inference in the words of LEONARDO DA VINCI in his NOTEBOOKS: "You can have neither a greater or less dominion than that over yourself" that the true, last frontier, the most advanced stage of exploration and human progress lies not within the explorationof space beyond the earth's atmospehre, but in the explorationof space on the exact same principles, within the internal makeup of the body, wherein lies the equilibrium that makes for compelmentary interchanges & harmony. So seriously is this taken, that there are now INTERNATIONAL SUMPOSIA IN THE MANAGEMENT OF STRESS, the second one this year, held at Monte Carlo, Monaco. This prestigious conference included Nobel Laureates, yet, theconclusion was that too little was known if anything at all, of stress-related illnesses and relationships. "Etiology unknown" is an all-too-familiar medical term; unless this Court will rule on the issues, both legal and social, in the instant matter, your appellant remains unprotected, her works made a travesty of and their integrity lost to society, and stunts those yet un published new works evolving and developing from the originals, and this is contrary to the purpose of copyright protection and its aim for the progress of social welfare, for which this court is thought to be repensible in protecting the Constitution & society.

The profound social and economic consequences of the threat to innovation was a recent report in the New York Times, November 18, 1979. Attached directly hereto is a copy of said report. True facts have a way of surfacing; defendants cannot be protected when they do surface, for the facts become self-evident of their outright, unabashed purloinment of appellant's works, and the reputation that automatically is affected by the exposure of those facts, for there is an acceleration, from the accretion of human needs beyond human devisements, to reach that point where the inexorable forces of nature take precedence and transcend all else. Your appellant is now in need of a true friend to be found in the court to protect those true facts and rights and society as well as serve personal and professional interests, for no one is exempt from those inexorable forces of nature and every healthy, whole person would naturally look for those factors to enhance one's life, one's own and one's fellor-man. Assuredly, this Court has the sole jurisdiction for such serious matters and wholeness of life.

QUESTIONS PRESENTED

1. Shall this Court permit the cruel demand from the penniless innovator for exorbitant monies nowhere near available after being granted Forma Pauperis right by the lower court as a means of intimdation and denial of due process?

2. Shall this Court permit the improper discouragement, stymying of the initiative of the independent, individual innovator by the courts through denial of due process and intimdation?

3. Shall this Court permit the courts to impede the application of the Constitutional mandate of copyright protection meant to promote the welfare of society, the denial of technical and scientific evidence to support appellant's arguments, the denial of full examination of the defendant-witness, the influencing of personal bias by the trial bench, the ridicule from the trial bench regarding academic standing, the pressure of rushing court procedure, disrupting appellant's arguments and precluding inquiry into the validity of claims made, thus also precluding the national and international significance of the arguments?

4. Shall this Court recognize the rights of the pro se in Forma Pauperis and the attendant prejudice by the courts in order to protect those works by said individul that promote the progress of society?

CONSTITUTIONAL PROVITIONS PROVIDED INVOLVED

Article 1, Section 8, Clause 8 - CONGRESS SHALL HAVE POWER:

> "To promote the progress os science and useful arts, by sexuring for limited tmes to authors and inventors the exclusive right to their respective writings and discoveries;"

STATEMENT OF THE CASE

That your appellant's CONSTITUTIONAL right has been denied in the lower cmrts in accordance with Article 1, Section 8, Clause 8, stated above, that appellant's original works have been purloined, infringed upon and just plain stolen outright, that such a travesty impedes human welfare and even this Court's personal concerns as well as professional, shall be conclusively supported by facts that are common place, facts that are obvious and unobserved, facts that are elementary and unexploited, and hitherto unknown facts, all of which have been assembled and integrated into an original, unfamiliar, untraditional and entirely new work by appellant.

Appellant's original works as a whole, go under the title of: TENSION-in-REPOSE. There are Eight (8) copyrighted publications, the first of which was printed in 1961, the most recent in 1979. Valied ownership of Certificates of Registration of Claim to Copyright Class ~~Rag~~ A Registration in the Library of Congress are annexed directly hereto. Defendants have full possession of same.

TENSION-in-REPOSE is that assemblage of what are considered disparate facts arranged into a compendium for practical application. The princples and precepts are root fundamentals which are applicable to both animate and inanimate substances, to organic and inorganic materials, to human bodies for enhancement and evolving development to the transitional next stage of evolutionary development.

TENSION-in-REPOSE is essentially an ALL EMBRACING SINGLE ACTION which unifies the whole structure which in turn fosters and develops both symmetry and synchronization of the internal functions of the body. As a result, it elininates automatically any need for desire for routine, traditional, familiar practices at large. The first publication was entitled: WHY YOU SHOULD NOT EXERCISE, and sub-titled "Weightlessness for Earthlings" because the system promotes even distribhtion of body weight, equalizing muscle pressure and tension so that an unprecedented body buoyancy takes place within the pull of 1 g gravity.

The first findings, begun when appellant applied the first public application of them when teaching cadets at the United States Military Academy at West Point dancing, inherently promoted built-in development and evolvements that are now applicable to in diversified areas of human problems and searches for solutions, extending beyond the body into the external environment, also a common bond between internal and external resolutions to the problem of energy.

In order to present the issues of the instant matter, a preliminary statement of that common bodn will serve to heighten the comprehension of those issues which are necesarrily elusive for immediate grasp of understanding which is common to any new concept and program and system. No one is ever expected to take in a new idea, its practical implementatinn on the instant exposure of it, and this is one of the contentions of the overriding pattern of denying proper presentation and the derision expressed with first hearing of an unfamiliar statement which is interpreted as innocuous, hidden behind the word used in written court opinion as "frivolous".

Far, far, far - from "frivolous" are such exemplary facts as follows which are emenently pertinent to the issues herein:

1. There are NO WHEELS in nature;
2. Human beings consider the WHEEL the greatest discovery;
3. There are no STRAIGHT LINES in nature;
4. Human beings design and move in STRAIGHTLINES;
5. In the center ofmotion there is no effort innature;

6. Human beings move with effort and encourage increasing exertions

7. Energy is renewed constantly, effortlessly in nature

8. Human beings consume energy without replenishing it, depleting its fundamental capital of energy

9. Structural design takes precedence in nature over chemical properties

10. Human beings deal with chemistry as taking precedence over structural design

11. Form and function operate in unison in nature

12. HHman beings are known to work in categories that separate function and form

13. Endless diversifications occur around a common, constant grand design in nature

14. Human beings consider "change" the only constant factor

The foregoing are representative facts supporting appellant's COMPLAINT in the instant action; the trial bench denied each and every one of them any opportunity for even mention, let alone any elaboration. In instructing following abriddged argument, the bench alleged that there are "limitations" in just how many designs are possible; appellant was denied evidence dispelling such an allegation; limitations do exist in tradtional, familiar, routine practices and systems dating back to all of recorded history of "civilized" man; appellant's TENSION-in-REPOSE systme and program has both a limitless evolvement and development of individual designs and that fundamental, root, unchanging, common, grand design binding all the diversifications into a harmonious whole.

Appellant's TENSION-in-REPOSE progaam is so new, that it will be seen to be beyond a shadow of doubt, literally, that it does not yet exist even in nature; it can be said to be that "something new under the sun" in the most literal, exact sense of its meaning.

As the matter is serious, of grave importance, and, as it will be seen, of national and international significance, and as the lower courts denied the presentation of the necessary facts in presenting the issues, it is incumbent upon appellant to present them as brief and as best as possible to this Court. It will become self-evident to this Court, that appellant's works are

entirely original, that they have been purloined and infringed upon illegally and knowingly, and that they are of national and international significance, and in the process, the foregoing 14 points above will unfold of themselves to reveal hitherto unknown subtle factors in nature marking direct contact connections of transitional linkages in evolving living forms and internal and external environments as they inter-relate directly to each other.

Pictorial demonstrations of the facts to follow shall be placed immediately following the text for instant and easy reference providing self-eivdeet support for the contentions herein.

All human beings perform a biological act of stretching the body; all human beings yawn and stretch at the same time, also. These are commonplace, universal activities, and routinely taken-for-granted, so much so, that prior to printing the first book in 1961, appellant sought pictures of animals stretching the body; amidst the countless volumes of "cute" animal pictures in bookstores and in reference libraries, not one could be found. the preverbial needle in the haystack was in the preson of a chemist in the Department of Agriculture in Washington, D.C. and only because he had the bombined hobbies of photography and 8 cats. Animal stretching and human stretching do not conform in form, and for natural reasons, explained by the following:

- The elementary, academic fact of human anatomy is that the human body has a double curve in the vertebral column, the backbone, or spine; the curves are at the middle of the bock and at the neck - the lordotic and cervical curvatures, respectively
- the lordotic and cervical curvatures are seen to be in the form of a CONVEX arch, that is, the crvatures is bent inward toward the umbilical center in the middle of the back, and inward between the chin and shoulders of the neck, towards the jutting chin outward
- compensatory ajustments for the curvatures brings the vertical axis of the body to an inclined, acute angle to the surface so that the body weight is brought forward towards the metatarsal arch of the feet, the chest is directed upward, the shoulders backward

In the natural, involuntary act of stretching, it is normal for the body to bend backward in the direction of the convexed curvatures, the shoulders to move backward, the chest pushed upward. Immediately following this page are pictures of normal, adult stance and the act of stretching depicted by the artist Dégas in his sculptures.

Essentially, therefore, the self-evident, normal, natural facts of the characteristics of the human body in contemporary stance and action, both in the involuntary act of stretching and in unthinking movements are the following:

- bending the back backwards
- shoulders moving backwards
- chest pushed upwards
- body weight on the forward part of the feet
- chin and nose tilted upward
- belly autmatically pushed forward with convex curve

It follows, therefore, logically, that human devisements for care of the body, patterns and designs aimed at conditioning for fitness, or therapy, etc., conform to the normal, natural characteristics listed above, that is, traditional, routine, familiar systems in programs for those wishing to engage in activities for maintaining normal health, espouse the self-same characteristics; the familiar exhortations heard early on:

- chin up, head up
- shoulders back
- chest high
- lean forward
- push your belly in
- DON'T slump in your seat
- DON'T slouch as you stand

In addition, the commands for the will to indoctrinate the body also include such instructions as:

- keep your knees straight as you bend forward and down
- bend back to stretch all you can or straight up
- lift your heels to reach a s high as possible
- do chin ups to strengthen your arms
- do pushups for the same reason
- do specific, special isolated movements for isolated parts of the body
- stand straight against a straight wall
- sit up straight in your chair
- lift weights
- push your hands against the table

In all instances, the emphasis, the direction and the instruxions concentrate on the appendages or on external exertions; effort is part of the keynote, indicated by the concept of beginning a movement with five counts one day and increasing gradually to increasing counts, the idea, of course, is that more exertion, more action, gives the body good conditioning and strengthens the muscles, by taxation. Directly following this page are examples of the foregoing & familiar.

What is not familisr are such designs as rounded shoulders, chest moved downward,heels flush to the surface evenly with entire bottom surface to the toes, head dropped forsard, entire spine arched in concave curve, involuntarily tilted and agnled pelvis, no mental concentration or control, no exertion of the will upon the body, gentle coaxing in the act of stretching extension to capacity without mental exercise of counting, allowing the body to perform its own whole functioning freely, unimpeded by mental commandsto engage in full, total body expression unhindered in its innante capacity which only the body structure can interpret, and without immediate repetition to preclude fatigue, strain or pain.

Direct, first-hand experience of the above-designed patterns portray with an inherent, inviolable knowledge that any need for any exercise is automatically eliminated. That is, the familiar, routine, traditional patterns acknowledged and recognized as "calisthenics", "set-ups", push-ups", "weight-lifting" chinning", stationary cycling devices, machine-devices for fitness, pulling devices, exertions of isometrics, isotonics, aerobics, meditations and any and all other known means of conditioning the body that require fatiguing repetitions, prolonged time practices, etc.

Appellant's first book WHY YOU SHOULD NOT EXERCISE, sub-titled "Weightlessness For Earthlings" gave designs and reasons that make it possible to eliminate all burdensome, boring, taxing exercises with unprecedented dividends for only an expenditure of seconds of time to accomplish what "exercises" never have been able to do, and done with designs and instructions in practical application that are diametrically opposite to all traditional, familiar systems.

This was done through a compilation of what are still considered disparate facts in nature; appellant assembled those disparate facts into an integrated system and program, entitled TENSION-in-REPOSE, by juxtaposing elementary, root fundamentals in an arrangement and manner whereby each would be directly, instantly blended with each other from the fields of GEOMETRY, GEOLOGY, PHYSICS, ARCHITECTURE, ENGINEERING, ANATOMY, ANTHROPOLOGY, PHYSIOLOGY AND CHEMISTRY. (etc.) In other words: a UNITED FIELD, UNIFIED, OF SCIENTIFIC DISCIPLINES.

When all familiar, traditional systems were bending backward, appellant moved forward. Chief Justice Oliver Wendell Holmes wrote that direction was ninety (905) of work done. The words are to be taken herein literally, for the direction of shoulders forward, the whole backbone, vertebral column, in the forward design of the CONCAVE ARCH, is easily proven to be a direction with/in the realm of space, space on the earth's surface or in the skies and in one's own body, that supercedes and transcends both the "discovery of the wheel" considered man's greatest discovery, points numbered one and two on page 7 herein, and the exploration of space by inanimate capsules riding along in the skies with or without astronauts.

There are no straight lines, points numbered 3 and 4 on page 7, in nature, yet familiar traditional devisements exhort vehemently to stand straight and to sit strgight, etc., design buildings with squared straight corners, windows with sqaured off right angles, etc. all ending in straight lines. Anyone who ever washed windows knows the time it takes and the energy it consumes to work on the corners of the squared-off windows where the stright lines meet; that same person would recognize on the instant the ease and labor-saving manner were the same windows designed with rounded corners, then there would be no stopping gaps, taking time and effort to cèèan them and make them effécient for their purpose, the very sale-same principle well-known in the use of heavy stop-and-go driving in heavy traffic which makes undue use of the automobile and hasten its debilitation and uselssness.

In the center of motion, there is no effort - a fact known in hurricanes, typhoons, storms of all kinds in nature, yet human devisements in the act of movement is to make effort in straight lines or backward bends, both of which are opposite the CONCAVE CURVE. (Points 5 and 6, page 7) There are astonishing properties in this well-known, unexploited fact beyond storms; their unfolding represent a proto type of the being oblivious to the obvious by esoterisca, and a revealing of countless wonders in nature far beyond the 8 of the world

The trial bench denied appelant's every request to discuss the above; the bias from the bench was so transparent, even filled with

animosity mingled with derision. This was reflected in such exchanges as demanding to know academic credentials, and when asked if Edison had any forhis countless inventions, since he never got beyond the 8th grade, the bench just waved a hand leaving the silence to be self-explanatory as a response, and on the occasion of asking defendant-author what direction her nose would be when pointed towards her umbilical center, and the witness answering that it depended upon where you stood, the bench denied appellant to explore that most crucial issuem of "DIRECTION".

That issue of DDIRECTION remained unexplored, the bench believing that "direction" had no meaning at all, that it was irrelevant.

Appellant sats forthe the following facts never set or committed to print or paper heretofore, for the record and for purpose of copyright b the LIBRARY OF CONGRESS. They embrace points 7 to 14 on page 8 herein, among which is the crucaal item of ENERGY which is so paramount in world-wide searches for it. No one has ever spelled the root source of energy and now is the time to recognize it and work from the root source in order to discover how to obtain it without consuming its capital resource without replenishment. The facts and principles within them will at the samw time prove conclusively that defendants did knowingly infringe upon appellant's rights. The trial bench's pre-disposed notions and prejudices thwarted the protection of those rights of copyright infringement mandated in our Constitution and also set the course of repeated events in history that also thwart human progress of the times.

The most cursory perusal of major discoveries for human progress in history reveal that they were made through such sources ad intuition, responding to Einstein's admission that his first intimation of Relativity was intuitive and Leonardo da Vinci's words that "All our knowledge originages in our sensbbilities", in accidents, as the Curies discovering radium through unanticipated event, and persons out of their own fields of work, as Louis Pasteur giving medicine a major finding while he was a chemist, Galileo who observed the skies and proclaimed that the earth went around the sun rather than the sun around the earth, the popular belief of his day, etc.

At no time have any major discoveries been born of anthing but the individual, indpendent, human being, the unconventional non-adademician larging comprising the host of individuals who have made their invaluable contributions. Despite these historical, well-knonw facts, the lower court did not even have the grace to give the least hint of a blush in the unmistakeable atmosphere of derision portrayed from the bench at every turn; it is unbecoming to the dignity of the courts and it is that much more unbecoming to the dignity of any life force. The trial bench was predisposed to dismisssing every effort and every pertinent evidence to the issues, and the appeals court denied leave to appeal in Forma Pauperis, knowing full well appellant could not appeal without it; thus, appellant submits those pertinent factors which make support and prodf fo copyright infringement inescapable as well demonstrate the national and international significance.

Appellant cites known scientific facts and once again assembles them in a specific arrangement to present unknown new findings so widely sought as solutions to resolutions to well-known problems.

For example, it is knwon in the scientific literature that the properties discovered by Archimedes in 250 B.C. of the lever and buoyancy have never been displaced; it is known that there are FOUR STRONG FORCES IN NATURE; it is not known how those four strong forces form a unified functioning, and the findings of buoyancy and the lever are never been added to for their elusive subtlties.

Appellant sets forth before this Court known facts, unknonw facts and then their irrefutable support and proof of infringement.

The known facts of the FOUR STRONG FORCES IN NATURE are asfollows:

1. That which binds the nucleus of the atom
2. Electromagnetism
3. Weak Interactions
4. Gravity

The resolutions to the simultaneous, synchronized activity of the Fourt Strong Forces in nature have been sought through mathematics, physics, engineering, etc. The answer has eluded all professional attention with highly sophisticated mechanisms; most recent findings alleging to getting close to the answer are in the realm of internal

specific details known and investigated for further details from the known specifics through physics. To date, the reports still state that that which binds the neucleus of the atom is not known.

Neither is the priority of disciplines known as contained in the known facts of the universe; astronomy is considered a priority by astronomers, physcs by physicists, mathematics by mathematicians, etc.

Appellant places GEOMETRY as the priority from which all other disciplines must emanate for their properties and qualities.

Appellant's perspective of GEOMETRY has its source in the three-dimensional perspective of the sphere - not a depiction of the earth seen on desks with a stand to hold it up as the ball of the earth is made to revolve around a central axis.

The earth is a GIANT GYRSOOPE.

The earth spins around in space, independnetly on its own axis

The EARTH IS WEIGHTLESS

The Earth is made up of atoms like all other material substance.

The A T O M is composed of 99% space and 1% material substance.

All material substance has a center.

The center of the ATOM is its nucleus; 99 % of material substance
electrons 1 %."

The center of the earth is its core.

The geometric center of the human body is its umbilical center.

All life forms are conceived in the form of the sphere.

All forces of harmony and love are arranged in the form of/the sphere

The processes of life and love are identical and form the sphere.

All actions with/equal and opposite reactions are enacted within the sphere

All sphere are a series of C O N C A V E CURVES

All spheres contain vertical & horizontal diameters in equilibrium.

Appellant's TENSION-in-REPOSE is a series of CONCAVE CURVES WITHIN WHICH DIVERSIFIED, LIMITLESS DESIGNS FORM HOSTING THE PRINCIPLE OF ACTION & REACTION IN TOTAL.

Immediately following this page is a brief text and picture of T-in-R. It depicts the initiating, grand-design of the Gyrsoope, the HUMAN GYRSOCOPE from which diversified, unlimited inidivdual designs form also from the common bond of the CONCAVE CURVE.

Appellant's second publication, 1966, Fawcett Gold Medal

original paperback, entitled: STRETCH & DISCOVER TENSION-in-REPOSE, reprinted in cloth-bound cover with the title: STRETCH FOR LIFE by the mail order house, Information In.c, Madison Ave. New York City, in 1968, (156,000 sold out Fawcett paperback and 20,000 sold at time mail order house no longer operated, respectively) included the descriptionof internal equilibrium compared to a boy tying a rock on a string and encircling the rock above his head in balance so that the rock did not either escape into space beyond or fall on his head. They were the delicate balance of centrifugal and centripetal forces; those forces that move from the central core to the periphery and from the periphery to the core; the series of concave curves which comprise a circle as the periphery and the circling motion from the core - SPIRAL PATTERN: movement to and from the encasement to the core, core to the encasement in simultaneous, synchronized action.

It is also a matter of ACTION & REACTION; the action of one motion triggering the reaction to it, once the fine properties are established, in this case, the concave curve series.

The SPIRAL PATTERN is obvious in all pictures of heavenly GALAXIES; it is the, T H E G R A N D D E S I G N of the Universe.

The discovery of the WHEEL considered by Man to be his greatest discovery is actually primitive compared to the the GRAND DESIGN of the Universe.

THE GRAND DESIGN OF THE UNIVERSE is that SPIRAL PATTERN within which gross, grand and highly subtle features all take place. It requires no wheels and the only property that accomplishes its untold wonders in all things everywhere is the FACT of pressure, specifically, the fact of equalized SPATIAL PRESSURE contained in the SPIRAL design.

Appellant's original manuscript for the second publication in 1966 was entitled: W E L C O M E T O U R T E N S I O N S. The Vice President objected to that title; after a long series of efforts to explain why appellant so titled it, compromise was reached with the title of TENSION-in-REPOSE following the small lead in of "Stretch and Discover" above it. The matter reflects the popular connotation

and association of the word "tension", as an undesirable thing to have, as being detrimental to the body, whereas, the physiological fact is that tension is life itself; without tension, there is no movement, for movement is a form of tension. The desire is to have tension in equilibrium as affected in the TENSION-in-REPOSE HUMAN GYRSOCSOPE - that other worldly serenity promoting ease with all the total capacity of the body in synchronized functioning.

The word "Pressure" connotes equal distaste with similiar connotations of its undesirablity; but PRESSURE, THE FACT OF PRESSURE IS THE BASIS, THE FOUNDATION FOR SURVIVAL ITSELF, AND IT IS THE REASON FOR TOUCHING CONTACT CONNECTIONS FOR EXCHANGES IN ALL THINGS ON EARTH AND IN THE UNIVERSE. The internal content of the ATOM, ninety-nine percent space, is contained spatial pressure within the envelope of the concave curves of the circling electrons. Within the human body, pressure is the agent that is responsible for the digestion of food, the satisfaction from thirst drinking liquids, the act of walking, talking, loving, living, working, playing, etc. What is not desire in the fact of pressure is distorted pressure, thatpressure which is uneven, unequal; what is highly desired for life itself is that fact of pressure which functions in compelmentary equalizations among the parts of the body which is manifested first by the first design within which the body moves, as in TENSION-in-REPOSE which equalises internal pressures as required inimitably by various parts and their functions; for example, heavy pressure upon the wrist will demonstrate that it will impede the circulation vital to allowing life forces to move and function freely within the wrist. Just the right amount of pressure ppovides both the sense of contact to gain what information is desired such as reading a pulse beat or displaying affection without denying the life force to return that affection. With pressure in equalized extension, such as the spider spins its web whatever the size or length of the thread in any part of its spiral design in equalized tension-pull, no part of the body or the web will crush any otherpart yet remain in contact for c omplementary exchanges. All this is done within the GRAND DESIGN OF THE SPIRAL and the secondary diversified designs also with the common bond of the concave curves of the spiral pattern.

Had the conventional, academic community ever realized the survival basis of pressure, its essential properties to life and to the harmony oflife as well as love, without which there is neither, the whole world wouldlong have known the remarkable affects of equalized pressure and what is the agent for it. Any discussion of it is met with either interest, surprise, dismay or utter disbelief. Wnen interest is arounsed, it is not immediately accepted, but what is expected is for appellant without funds and facilities, to provide the familiar, routine methods of investigated all of which demand staff, funds and facilities, all of which appellant is without.

Immediately following this page are representative correspondence indicating such expectations from appellant: from the director of National Institute of Health, medical director at National Aeronatics Space Administration, etc. The letter from appellant to Dr. Brown deals with the fact of pressure, correspndence with the medical director at NASA, General J.W. Humphreys, eals with the lecture-demonstration of TENSION-in-REPOSE at NASA Headquarters just 10 days after the first moon landing, stating that the staff of 12 or more of "key bio-medical" staff who attended expected appellant to enact a controlled study before it can be considered for astronauts for whom appellant stated that they needto be independent of the environment which deplets them of calcium, disrupts equilibrium, etc.

The facts therein demonstrate that appellant's TENSION-in-REPOSE precepts and program and application of the sytstem is to new for them, those who are right there with the very most modern frontier of exploration, that of space beyond the earth's atmosphere, but the exploration of internal space within the anatomy from the very same forces of nature with which the inanimate vehicles are sent into space is too untraditiona,too unfamiliar to garner the most minimal courage when the human problems are more formidable than that of space; without adherence to those principles that govern the constellations and the NASA vehicles, there would be no possibility of getting into the atmosphere beyond the earth; yet, the atmosphere beyond the skin in the direction beneath it rather than over it, is too strange for the most esoteric and advanced men of science andexplorations.

Not so with defendants; after more than 19 years of consistent, continuing demand by readers of TENSION-in-REPOSE despite the lack of great sums or staff to promote it beyond word of mouth and the personal prior to physical injuries /television appearances/and magazine and newspaper coverage, local and national through Associated Press & UPI, all without charges of minimal at most monies in most and payment of royalty in others//such as the serialization in the Journal-American just before it went out of existence, leaving 2 out of the 7 intended ~~xxx~~ defendants, after defendant-publisher rejected appellant's manuscripts twice, and defendant-author, with high-rental area studio on East 61 Street and Madison Avenue, personal friend of publisher-president's wife, to whom the book was dedicated, thought nothing of purloining appellant's original works which leading scientists could not grasp in comprehension without laboratory, controlled study and attention but defdndants'business acumen did not set before them such demands once sensing the commerical value proven with time and appellant's solitary efforts without funds and facilities, nor did defendants have to tolerate such events as occurred with the director of the Institute for Space Studies - Robert Jastrow.- whose message to appellant through his secreatary was that he through appellant's precious cloth-covered book into the "TRASH BASKET" without a qualm, yet in discussion with a staff member at the Institute for Space Studies, that staff member was not aware that no vehicle in sapce ever travels without a GYROSCOPE; that staff member presumed that in the void of space the vehicle moves without need for whole equailibirum as does the space ship of earth revolving around thesun.

Nor did any of those experts grasp the assocaaton of the first strong force in nature with human anatomical comfort, or botanical pattern of the same forces, as in the following examples:

A botanist knows, and others have seen, the reaction of the mimosa plant when touched lightly; the elongated individual fern-like leaves instantly contract towards each other; the form is the broad, grand pattern of the CONCAVE direction, towards its inner make-up. Phsyiologists know that nerve cells serve to bring about the contractility of the muscles fibres, that is, they enact the

very same direction and action as the contracting mimosa plant: muscles work in pairs - one set of muscle fibres contract and the ones opposite extend or expand; one an action, the other a reaction. The mimos plant contraction results in expansion that follows; the contraction of the muscles results in expansion simultaneously. In each case, it is a matter of contraction and expansion. In each case, the action and reaction takes place within the concave curve grand design.

THE CONCAVE CURVE IS THE FIRST STRONG FORCE IN NATURE.

The consensus among the findings and reports of the experts is that the first strong force in nature is "That which binds the nucleus of the atom" but do not know just what that agent is.

The agent that binds the nucleus of the atom is the CONCAVE CURVE for the reasons which follow:

A circle is described as having minimal surface with maximal volume; that volume, of course, is internal space and the surface that of a containment envelope, like the skin of the body, the molecules that form the surface of water, the membranes that form the surface area of the cell housing its interna l components, etc.

But what is a circle compose of, what is the major agent, or property of its delineament?

The line of the circle is a matter of A N G U L A T I O N !

With the perspective of seeing each minimal extension-line of a circle, the end of each small line is that of angulation towards its immediate neighboring line. An example of seeing just what a circle is composed of is to draw one, not in a continuous line, but in short, broken lines in order to see how the ends of each small line on either side must be angled directly towards its next neighbor.

The fact of such perspective reveals that there are "inclines" and "declines" within each and every miniscule line forming a circle.

Each "incline" and"decline" is also a form of "lever"; a lever is known to be a lifting agent, generally seen in a jack-hammer or a

part of a triangle, which is a part of a circle. A spiral fomr is known to lift liquid, to send it upward an the opposite direction of the pull of gravity. Within that fact lies both the property of the lever that lifts and the buoyancy which is part of a lift and a counterpoise to the gravitational pull. In allinstances, there is ALWAYS the fact of the CONCAVE CURVE.

THE CONCAVE CURVE IS THE FIRST STRONG FORCE OF NATURE.

A ready example experienced first hand and inviolable can be made with the simple enactment of placing an open hand over the wrist of the other hand. Were it imperative to grasp that wrist, you could not do so. The open hand is in the design of a straight line.

Form a concave curve with the same hand, and you can then take a firm hold of the wrist of the other hand.

While the hand in the concave form is holding the wrist of the other hand, make the circle of the concave form smaller, and you feel the power of that form. It is also a means of varying the hold and strength in degrees by increasing the circle or decreasing the circle.

The smaller, decreased circle is the act of contractility in the muslce fibres with the functioning nerve cells and the contracting mimosa plant when touched.

Contraction results in expansion; expansion is the release.

Contraction and expqnsion occurs at other times but not with the same quality, as found in the CONCAVE CURVE or degree of power.

Medical facts document the epileptic as having the whole spine assume a CONVEX CURVE and the convulsion results in ejaculation.

Mark Twain's daughter died from an epileptic convulsion; epilepsy is a disease; the epileptic's muscles are contracted with a hardness that precludes flexibility. The complexion is not a rosy one.

All sexual activity is a matter of assuming a CONCAVE form; the whole vertebral column takes on a severe, contracting spherical shape, a concave curve at the time of climax or crest of movement; the

reaction to the contaction that is total and simultaneous is one of total release correspondingly.

The convulsions of the epileptic occurring within the form of the conVEX curve serve to stretch and contract the muscles with the resulting release without the benefit of internal spatial pressure. The convulsions of the orgasm stretch and contract the muscles with the resutling release with the benefit of internal spatial pressure. The reasons are as follows:

The conCAVE form is a hollowing effect; hollowing a matter of space; the conVEX form is protruberant effect; protruberance is a matter of moving outward from the entity.

A recent Nobel prize was given for the discovery that the contents of a cell pour out of its enveloping form in a conVEX form. When the skin of living form is cut open, the contents spill out, and prolonged disgorging of blood results in destruction. The containment of any entity is is self-protection. The CONCAVE CURVE is the protecting containment of any entity; its inherent property of angulation, as described earlier is the means of self-generating motion. This is xxxxxxxxxx xxx in action when a ball is placed atop a small hill, seeing it run down by its own substance, and the impetus of the angulation of the decline of that part of the hill compelling it to continue its motion to the incline on the other side of the valley to the climb upward on the other side of the hill.

This is seen, but not comprehended for its intrinsic fact of self-generated motion without further action than just letting it go in the beginning. The principle is no different with the bddy. no different with the galaxies, nor the windmill, nor storms, etc. all of which are sources of energy, automatically replenishing itself.

Points 7 and 8 page 8 herein note that naturereplensihes energy, human beings consume it without replenishing it. Human beings devise body conditioning designs in straight lines and convex curves. TENSION-in-REPOSE conveys the first strong force of nature in the CONCAVE CURVE before any movement or action takes place and then proceeds to diminish effort to let the body move on its own a lone.

Traditional, familiar, routine systems of conditioning the body, as describe dearlier, all engage the form of the straight line and the convex curve, where it is seen that the human back is made to go backward and bend right in that area known to be the human weakness the lordotic curve. All other movements that are meant to be free in performance, such as tennis, or dancing, or basketball or baseball, or even footballor hockey, are all subject to the waekness in the structure of the human anatomy.

The human antomay, the physiological stratture, is the most recent stage of development in the evolutionary development of living species on earth. In terms of geologic time, the human species is but one minute old, if that. The human strcuture is not even past the crawling stage of development of the upright stance, but the major adjustments are made, there's more to be done to have the human anatomy and body structure move with less effort, with ease and smoothness of line.

The human body is the first species to stand upright, and it is also the ONLY one with a crooked spine, that is, a double curve in the cervical and lordotic areas, the neck and themiddle of the back.

Directly following this page is an exerpt from one of appellant's books, the seond publication, TENSION-in-REPOSE, (STRETCH FOR LIFE) taken from the SPINE CHAPTER; it is a two-page coverage of the ANTHROPOLIGCAL outline of evolving development of living species in the history of life on earth, entitled, captioned: THE LADDER OF LIFE.

All forms in the history of life on earth assume the shape of the CONCAVE CURVE in its vertebral column, all on the horizontal plane. The human species shows the indentation of the middle of the back with the whole body at an acute angle to the survace, the body weight on the forward par t of the foot to compensate for it.

The constant them of the history of life on earth in nature is that of counterposing the pull of gravity.

ALL LIFT STEMS FROM THE C O N C A V E C U R V E !

Thus, it is seen that nature has been evolving and developing

life forms on earth through the use of the CONCAVE CURVE as a counterpoise to thepull of gravity in the same manner seen in the shaping taking place at the potter's wheel; while the wheel is seen directly and the potter's fingeres moving to form the shapes, in nature, in geologic time, the time scale is much longer and not readily recognized as working in the same manner as the pooter's wheel showing the formation of form on the instant. In all aspects, the CONCAVE CURVE is in operation. So it is in the four strong forces in nature.

The first strong force is the concave curve; the second and next strong force is electromagnetism.

The elementary properties of ELECTROMAGNETISM are the facts of circcles and back and forth movements simultaneously.

THERE IS NO ELECTROMAGNETISM WITHOUT ALIGNEMENT;

The concave curve is the agent of alignement.

Microscopic views of living cells show curves and back and forth movements, the connecting forces of negative and positive.

Theangulation of one end of a curved line must be directly, precisely angled to the point of the other end of the curve. Without such precision, there is no contactor implied contact to meet and forma containment ofthe concavecurve. It is the very same principle of looking for electric light which will not come on unless the circuit is completed and the circuit is in the form of a circle, the ends of which must always make some form of contact for any connection; without connection there is no light, there is no connection without intact containment - the CONCAVE CURVE.

ALL LIFT STEMS FROM THE CONCAVE CURVE

LIFT IS COUNTERPOISE TO GRAVITY

GRAVITY IS THE LAST OF THE FOUR STRONG FORCES IN NATURE

ALL TRADITINAL SYSTEMS ENGAGE IN CONVEX CURVES AND STRAIGHT LINES - they can never give physical lift

TENSION-in-REPOSE engages the CONCAVE CURVE and gives literal, actual physical lift, however infinititesmal

At no time in the history of life on earth has there been a counterpoise to the pull of gravity. The terms used to deal with the pull

reflect the common connotation towards it, treating it as undeirable or an enemy. The pull of gravity is thecounterpoise to the lifting action of the CONCAVE CURVE; Without a balancing force, there can be no equilibirium, either in the universe nor in the human body.

Gravity is referred to as "defying it" or "anti-gravi y" going against it", or"cancelling it" or "neutralizing it" or "resisting it" but never USING IT though it is known that the body is adapted to the pull of gravity.

That human beings dream of flying is well-known; that concepts of human flight with their own bodies is reflected in the imaginary depictions of human flight ssach as "Superman", "Peter Pan", "Angels" etc. all with straight or convexed curves to the backbone, and some out-reaching of the arms to resemble the flappings wings of birds.

The flight of birds is not from the flapping of wings, but from the very subtle, unobserved, initial enactment of the whole spine prior to the flapping of wings and take-oof.

What goes up need not come down and proven in the fact that some articles have been lost in the void of space, having gone up and nev er ever came down to earth again.

Flight is a matter of action and reaction within the CONCAVE CURVE, a matter of proportion, of reserve buoyancy and maximal extension of spatial pressures within the containment envelope. TENSION-in-REPOSE, consistently, wigh N E V E R any exception has instilled and given an unprecedented experience of true body buoyancy; at all times the performer feels lighter through the use of the CONCAVE CURVE which gives true lift and distributes body weight more evenly. This can never be accomplished with the convex patterns and straight lines of the traditional systems, which are always dealing with isolated parts of the body as a means to bring the body into some shape and weight, but proportion eludes such effort and weight control is not a matter of dieting or volume of food, or even kinds of foods outside of some sore of variety of it. Body weight is a matter of mass substance pluse the pull of gravity. When the body is ounnterpoisaed to the pull of gravity, when buoyancy

is present in the body from the engagement of the concave curve, to give it true lift, full and free, then the forces of pressures work more evenly and uniformly to enable the cells to function more completely to assimilate the food discard the waste products which are the basis for overweight from unprocessed foods left behind in the cells due to lack of proper pressure to clean them out; nature's cleanising agent in all matters, is the fact and the act of PRESSURE. The chief enemy of sleep is the pull of gravity that is not counterpoised; the unevened pressures within the body from lack of true buoyancy is open inviation to injury in sports and athletics or any incident of routine daily activities, for in the presence of true buoyancy, the joints are given the opportunity to act freely and their functions are inumpeded by crusing parts of the body upon the integrity of the full function of the joint that needs space around its parts in order to use it as a buffer and avoid friction.

The list of dividends in dealing with gravity in the same manner hature has been using it throughout the millennia and the heavenly constellations is endless. Einstein let the world know that gravity is a weak force and recent reports from Princeon in a study confirmed Einstein's finding, yet at no time in human history has anyone ever deciphered how to deal with the ill effects of pull of gravity that is not counterpoised. The trial bench let loose all the venom in comments of derision when appellant began explaining any of the foregoing, the trial bench denying any description supporting appellant's original designs in TENSION-in-REPOSE using the CONCAVE CURVE never used before at any time by anyone; the trial bench with an expression full of contempt within the statement taht made it plain that the bias of the bench could not possible conceive of appellant's being the only one comprehending the role of gravity upon the human body or any living body. Appellant tried to explain that it was not being presented in a manner of boasting but in the obligation to support the illegal purloinment of appellant's works.

The bench denied the discussion of the priority sequence of the FOUR STRONG FORCES IN NATURE that no expert to date has been able to set down in a unified formula; appellant has done so in the TENSION-in-REPOSE system and precepts, simply and concretely.

The gravitatonal pull is inherent in the CONCAVE CURVE.

In his NOTEBOOKS, Leonardo da Vinci wrote:

> "Gravity and levity do not exist of themselves; one element is drawn into the other."
>
> "Elements in nature are situated one within the other"

There can be no lift without the gravity, and no gravity withoutlife. To go up, the action is to go down simultaneously; this an inheent principle of balance in anything and applies to dealing with graity, and energy and healing.

There is no alignment without the concave curve and no electromagnetism without alingnment.

The upright stance of the human structure is the result of the reaction to the action of the concave curve. All shells display the spiral design in their make-up; it is unseen and unfelt in the human make-up; nature proceeded to get the body to stand upright by the use of the concave curve; in order to straighten the body further, the concave curve must be employed; the concave design is the action which brings about the reaction of alignement and straightening. A shell that looks straight, upon close examination is seen to be an uncoiled spiral form. The upright, straight vertiaal axis of the human body is also an uncoiled spiral form.

TENSION-in-REPOSE, in using the sdiral grand design within which lie the series of concave curves, automatically straighten and aligns the body in reaction to the action of the concave deisgn.

Nature is consistent in thos principles that are constant and unchanging; given enough distance, space itsdf curves in on itself in the form of a concave curve; time does the same as does all material substance; the human being is no exception to the principle and subject to tis existence in the unvierse depsite the fact that turn to CONVEX curves that are destructive yet used in traditional systems and dtraight lines that do not exist in nature at all yet forced into some attempt in some kind of service by human contrivances. But the forces of nature are inexorable, and necessarily transcend any and all human contrivances in any field; the wisdom of the body is of the millennia, ages old; the human mind but one-minute old.

In the course of reading professed aims of scientists, it is noted that one of them is to discover the underlying simplicity in alldisciplines; yet, when presented to the self-same professed persons,when the ultimate simplicyy of the universe is presented in the grand design of the CONCAVE CURVE, apparent in the swirls of the spiraling Galaxies and the the movments of the solar system, the proverbial deaf ear or ignominious toss of the wave of the hand in dismissal indicates the attitude of "nonsense" ascribed to it. The trial bench followed the pattern of the experts, but with the additon of denial of due process which is the trial bench's responsibility whatever the personal dispostion to the subject matter. Appellant was denied the barest explanations; when the experts as in NASA and NIH required time and evidence to pay attention to TENSION-in-REPOSE, the trial bench denied the most elementary documents which anyone can absorb given the exposure.

Immeditately following this page are elementary facts of anatomy which support and prove appellant's contentions and complaint.

As shown earlier, the concept of "exercise" and "stretching exercise" is that of straight lines, convex curves, and concentraton on the appendages and isolated parts of the body to maintain fitness, all of which are enacted from the perspective of the power of the "mind" over the body, that "controls" are from the brain, and that the forceful use of the will is the motivating factor of movement.

TENSION-in-REPOSE concept and system is diametrically opposite to all of the above and more.

T-in-R proceeds that there is a biological basis for all behavior, that the wisdom of the body supercedes all human devisements and contrivances, and that the power of the body transcends any power of the mind, that material substance, time and space are inseparable and that it is a matter of proportion and arrangement which determines the effectiveness and contructivity of any given entity. Chemists are aware that honey and carbolic acid are made up of the same ingredients; the reason one is a smooth, good food and the other a poison is in the arrengement and proportions of the molecules; The principles applies to the human structure as well; to be arranged

in that design and proprotion proper to the body, as in the arrangement of the molecules for honey; arrangement is a matter of design geometry and architecture.

Where traditional systems instruct the performer to "tilt the pelvis", as a mental command and as an isolated action from the rest of the body, with the underlying concept that doing it often enough will conditon the body to hold it, Tension-in-Repose repeats the principle that the whole is greater than the sum of its parts, that the tilt of the pelvis is accomplished through the holding power of the concave curve which in turn allows for the adjustment to the cahnge of angulation for the rest of the parts of the body to respond to the change in one part.

The forces of evolutonary changes and development indicate the shifting angulation of thepelvis which in turn affects the axis of the body. In order to affect a transitional, evolutionary shift in the tilt of thepelvis and the axis of the body, inorder for it to hold its new position, it follows that holding power is necessary; that holding power is the CONCAVE CURVE, the first strong force in nature. TENSION-in-REPOSE employs the concave curve in special designs attuned to the 360 degrees indiividual perspective of each degree of the three-dimensional sphere. The designs and the directions are extremely simple, easy and entirely pleasurable. This, too, is diametrically opposite to tradtional attitudes and practices that exhort exertion, force, strain and pain as an indication that the body is working.

The tradtional practices engage the concept of the power of the mind for anything; TENSION-in-REPOSE proceeds from the concept that the wisdom of the body from the ages of evolvement knows more than any human mind, that the will and the vanity of the human being interfere with the full function of the whole body and its internal parts, that there is no power of the mind, only to exhort it is to impede the power of the body which is of the ages; the mind resides in the body, is fed by oxgyen which the msuscle movment sets up the demand for and it is known that athletes, dancers, philosphies and their philosophers have succumbed to the ills of the anattended mind from the anattended dissonance of the body moving against harmony.

In order to engage those forces of harmony, it is necessary to combine those factors nature used in common with all living species from the time the very first cells, single cells, appeared on earth, and to retain and maintain those features which nature uses to ensure the survival of the species. Survival of the species is achieved through design, design that takes in the internal environmentof the body and the external environment of its habitat. The first common agent angaged by nature to ensure the survival of the species is that of the concave curve. All living forms are conceived in the design of the concave curve of the embryo and fetus.

Appellant's program from the first book on excerpts the rendering of the embryo from the NOTEBOOKS OF LEONARDO DA VINCI AND SUPERIMPOSED IT UPON HIS RENDERING OF THE DRAWING OF THE ADULT HUMAN BODY PROPORTION. From this concept, the TENSION-in-REPOSE system went in two directions back to the first life forms that crept out of the oceans and forward to the next transtional stage of evolution. However, the very first special design and movement preceded the foregoing concept through the information culled from the sensibilities, as da Vinci himslf noted that all our knowledge originates in our sensibilities. That first form and special design was called the QUADRUPED.

It is a known fact that traditional practices urge the performer to bend over with straight knees, albeit that it is a fact, elementary that knees are meant to flex. There are those who may be able to touch the surface with their fingertips or hands when the knees are straight, but they are extremely few; those same persons are not able to reach and touch the floow with fingertips or hands when the knees are flexed, and the whole human species is not able to place the whole of the entire palm of the hand and thewhole of the entire bottom surface of the feet flush to the surface, each portion of each appendage evenly distributed along the surface. The reason lies in the fact that the stretch to reach is not accomplished from the hamstrings muscles along the back of the thighs as commonly conceived of, but from the reach of the entire, whole back and vertebral column. The whole back is stretched to capacity only when it is in the design of the concave form. Directly after this page are experpts from appellant's works.

The properties of the Concave curve, as a part of the sphere which is three-dimensional, cause contact and connections in those remote parts of the body never reached by any other means. For this reason, a performer of T-in-R will remark that some parts of the body were felt that he or she never knew even existed, or, in the case of the physiologist in the U.S. Navy, who said he felt parts he had forgotten about - assuming from the academic standpoint.

For this reason, also, one who bends over with straight knees, with or without reaching the surface with the hands or fingertips, gets superficial action, but when bending with flexed knees, the effect of three-dimensinal contact and connection is felt and the description is that, consistently, of feeling as though hours of physical movement had been engaged in whereas it was only a matter of seconds in performing the TENSION-in-REPOSE QUADRUPED Stretches; in the case of the QUADRUPED, experience in teaching showed that is was necessary to acclimate the body, even the most agile, to the new dinension, and in order to do this, a raised durface was used for the purpose of placing the hands flush to that surface so that the whole bakk may arch in the concave drom with ease and extend that arhh to capacity. The first designs of T-in-R turned out to be too advanced for the human structure; the next ones were modified, but even those had to be further modified in following publcaiations; as a result, three fundamental designs are used for at least 3 months before any of the 30 or more advanced ones are introduced to anyone. In the precding attachments, the aforementioned fundamental designs are included and some of their later modifications.

The foregoing facts are pertinent to the issues in the instant matter.

Defendants' publication first 11 pages of text are a complete paraphrasing of appellant's works; paraphrasing with evasion is conpyright infringement; actial designs are copied in pages that follow.

Defense attorney demanded that specific references be made; it was a long and arduous task to go through appellant's eight (8) books to find the exact extracts which are actually throughout the

whole of all the works; appellant had an apartment emergency situation, contending with the serious effects of severe injuries that demand alternating lying down and moving around, prelcuding sitting or standing, need for regular treatments in conjunction with home program, etc., but appellant satisfied the demand and marked defendant's publication in the first 11 pages with 192 specific references. The trial bench never allowed any exploration of any of the specific references in the examination of the defendant-author, never allowed any pertinent events of daily encounters showing how unfamiliar plaintiff's works are that in one instance of meeting a former pupil at the Metropolitan Museum of Art, and in the course of discussion, had to attend to the severe spasm by assuming a concave curve, and the next few moments, a nurse and an oxygen tank were seen approaching us; the guard had thought that arching the whole spine was a preliminary to keeling over in some illness or faint; and another instance, when in the need to move and walking on a nearby block in twilight where there is little pedestrian traffic, and assuming a concave curve, one pedestrian was felt to halt briefly behind appellant, then heard to take on more rapid steps than done previously, andin appssing appellant, made the sign of the cross, all because appellant was in the need to arch the spine in a concave curve to alleviate the effects of injury at the moment; other times in bending ofrward, passengers on buses have been known to move away from the unfamiliarity of the act.

The trial bench interrupted appellant's effort in bringing out that defendant-author contradicted her own book contents when she included the concave curve designs taken from TENSION-in-REPOSE with traditional, familiar practices, and her own text as in the following examples:

Defendant-author, page 2 of def's. publication paraphrases appellant's title and text of WHY YOU SHOULD NOT EXERCISE, saying that "her " system is "not 'exercise'" that it is"unlike any other", yet, page 79 she purloins entirely appellant's TENSION-in-REPOSE "Slow, Side-Arc" stretch design which is a whole round back and shoulders forward, chest down seated in a chair;instructions read "relax and slump"; page 62 she says to sit straight and do not slump, which is

a concave form;page 30 she has the seated figure in a convex curve, calls it "arching" (the concave she calls "curving") instructing to lift eh chin and push shoulders back - all contradictory to the concave characteristics and incompatible with each other as the elementary facts of anatomy prove in the odcuments describing the spinous processes where the spaces between vertebrae open to let circulation flow freely and unimpeded in the cncave design and the same spaces close tightly cnushing the cartilage pads between them in the convex form and in straight line design thus impeding the circulation that runs through the apertues of the vertebrae, the main artery, the venus artery and the spinal cord, all vital and central activity of the whole body bringing blood oxygen that is refreshed and clearing the flow away from the heart.

Page 1 she talks of "no mind control", yet with the concave T-in-R design she instructs to count "6 times". Professional literature reports on countless studies showing that the "mind" cannot be doing two things at the same time. Defendant-author page 3 talks of"muscle Sense" that it is"feeling movmeent"; counting and feeling are incompatible; the mind cannot count and yet concentrate on the feeling in the muscle sense.

Defendant-author goes on about "action and reaction" yet when it comes to instruction of the infringed upon concave design, she is not aware that the reaction is the ability to let go, inorder for the reaction to take place, that initiating movement is not reaction, so that following the concave designed stretching, she instructs the performer to stretch the spine straight; they cannot occur together, the reaction and the action of initiating movement; added to that the instuction to count is clearly a traditional system of "exercise" and the instruction to straighten the spine is also an "exercise" while she countermands the tradtional exercises using the backward bend bringing the chest and chin up and shoulders back while the concave form brings the chest and chin down and the shoulders forward.

Pages 40, 83 and 115 are clearly purloined Tin-R Quadruped designs, which automatically bring the pelvis tilt up and forward; back concave arched; pages 62, 68 and 114 are typical exercises with pelvis tilted backward.

Page 2, def.-author tells reader of discovering muscles never aware of before, (found in appellant's texts) then proceeds to instruct on pages 56, 57, 58, and 59, to stand against the wll, to accentuate and exaggerate a CONVEX curve in the middle of the back, that well-known area of weakness for everyone, to lift the chest high, exactly opposite to concave form, to keep body weightforward, to exert pressure, after saying that it is a system of ease and pleasure without mental control, "arch" in convex form the back as much as pressure will exert to the utmost, to tilt the pelvis, and to lift the heels, all opposite to the purloined designs of T-in-R. Page 58, the reader is urged to move the abdomen towards the wall with the front of the body facing it. The abdominal muscles are known to protrude generally among human species becasue it follows the contours of the lordotic convex curve inward; it is known that everyone would like to have the abdominal muscles firm and fast towards the bacbone which is opposite of the inward directon of the convex lordotic curvature. The concave design requires no exertion to pull the abdomin in any way, automatically pulling it in by virtue of the properties of the design itslf. Also part of the concave design is the fact that the rib cage liftsitself automatically, too. Def.-author goes on about lifting the rib cage whithout setting any reason for it and in direct contradcition to the facts of the convex curves and straight lines which do not ever lift the rib cage at any time and proven by the fact that emphasis in familiar practices is on the appendages, that the waistline is not reduced in exercies programs and dieting does not trim the body to any balanced proprotion

Page 4, def.-author mentions "anti-gravity", failure to use the "equipment" efficiently", noting ability, muscle sense, power and control, but no comprehension of the physical fact that "anti-gravity" is a matter of the emgagement of the concave curve, which has never been used in any program of body conditioning, proven by the fact that everyone everhwhere has always been told from early on to "sit up straight", "stand up straight", "do not slump," push your shoulders back" "keep your chin, head up high", all of which are mental commands to the body and all of which are designs that are opposite to the concave curve and cannever affect naturalness.

The list of infringements, of grievances, of redress, of abuse, of denial of civil rights, of courtroom decorum and dignity, of any fundamental adherence to integrity of effort of another's labors to the prospects of new discoveries for human and social welfare, of recognition of plain courtesy which is marred by attitude and atmosphere of desrision at simple efforts to present scientific and technicacl evidence, of acnowledgement that there is great physical hardship to put forth such work as organizing material for a trial when physical injuries make every bit of writing torment in itwelf to get the matter down on paper since it must be done between bouts of walking, lying down, standing and feeling the effects of the injuries aggravated. It is beyond credulity that any trial bench would do the whole work of the opposition, of defense attorneys with staff, experience and professional skill against the solitary, indpendent pro se litigant.

Except that it is a matter of record, recorded in the transcripts of the trial, anyone would be hard put to believe that def-author, who claims over 40 years of experience in the field of fitness, could not say what direction her body would be taken if her nose were pointed towards the umbilical center, that she replied that it depndend upon where you stood! The matter was crucial to the issues of infringement since it makes the whole difference between limiting or even destructive practices whenthe body is made to perform in convex and stragiht lines as opposed to the unfamiliar yet constructive designs of the concave curve which brings shoulders towards the umbilical center and also serves to protect that well-knownweakness in the mddle of the back; the trial bech prevented appellant to pursue the point; the trial bench is assumed to be intelligent, and being so, could only have known that the issue was crucial to the whole matter. The travesty is not limited to appellant's interests, for where there is new discoveries there is an obligation to diseeminate the findings for the benefit of others who have righto know of them, and to know of them as they are founded.

Defendants' obvious lack of comprehension, use of contradictions, mixing incompatible formats, etc., have served to upset the integrity

of appellant's whole TENSION-in-REPOSE program, and served also to bring about confusion at the same time which adds to the burden that attends any new program that is not only unfmailiar but entirely opposite to tne familiar traditional practices. A n example lies in the process of recruiting subjects for a pilot study, those who wish to stop smoking, have tried everything else but could not find a way to succeed. So strange is it to sit slumped, or bend over with flexed knees, or keep the heels down, toprevent leaning the body weight forward,to be gentle and to diminish effort rather than strive to increase exertions and not to count, etc., etc., that one subject became filled with animosity and rebelled, yet after a short while, looked genuinely confused as he spontaneously, almost involuntarily blurted out quietly that with the little bit done he felt something different, never felt before, and felt better with thenew feeling. But tradition is not displaced that easily, as history tells us all the time; he went away perplexed but did not come back with theothers. Faced with the confusion defeandant-authors present in their pblicaton, the TENSION-in-REPOSE program is given undue, unwarranted and unhealthy obstacles to contend with and demands the protectionof the courts, this Court, for the sake of everyone's interest and national significance andinternational, as well.

Design is recognized as national signficance when it deals with airplane disasters as the one last year in Chicago, the worst in aviation history, which investigation learned was caused by faulty design, in that case, the latch on the cargo door that affected the internal pressure of the plane.

Design is not so readily recognized, either for its national signfiicance or individual welfare, when it deals with the humanbody, but the sense of disaster is still imminent as much as with faulty design for caring for the body as for flying an airplane. For example, in an event not one to construed as close to disaster, is the occasion of defense attorney demanding and taking deposition from appellant. He went at it tooth and nail, hammering away more in the attitude fo dealing with an offender than with an author whose works are in the New York Academy of Medicine, known for her spirit of compassion and acting upon it constructively, etc. Though appellant

must contend with phsyical injuries that make every undertaking a hardship to endure, it was defense attorney who wearied before appellant in the form of an involuntary act of stretching; an act which took on the normal, natural form of bending backward as is common all over theworld. When appellant noted the convex form his body took as he had the need tocome up for air from his heavy-haneded grueling session, he objected strenuously. Well, defense attorney or note, he is still a human being and as such is as much in need of contructive modes of caring for his body. Being part of the responbility of promoting the confusion set by the defendants and supported by the trial bench, the difference between stretching in a convex curve as did defense attorney and every other human being on earth and stretching in a conwave arch as in appellant's original TENSION-in-REPOSE program is the difference between limitations in life and love, and limitless in life and love, respectively.

The act of love takes place within the CONCAVE DORM; the act of reserve buoyancy for flight is also within the concavecforem.

Like the act of stretching normally in a convex curve, so is the concept of self-generated flight in a convex form. But the facts are otherwise: no buoyancy, no lightness as in love, ever takes place in convex designs. Following ~~these~~ this page are examples of popular notions of human flight and conditioning for the act of love; they are conceived in the designs of convex and straight lines.

No one can ever~~x~~ expect to become buoyant without the concave curve and no one can expect to take flight with a heavy-feeling body. The body must feel light before it can think of lfight, and the dvelopment of buoyancy and then the reserve buoyancy which generates flight is a system of increment, of slow, transitional development. The Tension-in-Repose performer has an instantaneous sense of buoyancy compared to the body weight sensation prior to the performance where gravity was not counterpoised, but with the counterpoise of T-in-R the body begins to feel lighter and become lighter as the body weight become more evenly distriputed; it there is going to be ever any movement towards human flight eventaully, it will have to be done on nature's terms and techniques established time immemorial.

And if that time is to come, it demands the protection of this Court to protect the integrity of that system which promotes it: appellant's TENSION-in-REPOSE program.

And if the human being is to know true relaxation, to become acquainted with the subtle factors that are inherent in natural forces applied to the human body to enhance life, to protect it as the Constitution mandates promotion of those works which enhance society by protecting them and thus protecting life at the same time, then appellant's TENSION-in-REPOSE program must be protected and it must be done by this Court.

All traditional systems add to elements that deter relaxation of the body however much the allegation is that it means of realaxation, for when it is examined for what it is, those systems that compel the performer to bend with straight knees, to bend the back backward, to force movements of the appendages, to try tricks rather than cajole movements, to exert rather than let the body function from its own internal wisdom, to push to strain in the self-deluding notion that its forces capacity of the body to do more and be in better conditioning, then these too are hazards of faulty designs that affect the welfare and the lifes of populace as much as faity design of an airplane disaster does; where an air crash is dramatice and immediate, the faulty designs of body care are more devastating in that they include millions of human beings against the hundreds in a crash, from wich all manner of disease occur, insidious, unseen unknown, and only recently is stress being seen as a factor of myriad unreoctnized illnesses and diseases. The very word "disease" supports appellant's contentions, for the "dis" prefix means "out of" and the main body of the word "ease" means that disease is lack of ease in and of the body. It would hold, therefore, that the ease of the TENSION-in-REPOSE program promotes ease of body andhealth of body, in the concave design; the convex designs and straight lines add to lack of ease, increase stress and unresolved tensions and do not counterpoise the pull of gravity and do not, theredore, render the human body as independent of the environment as it acn be and as nature intended it to devleop towards constantly wi6h poise & pleasure

However modern and sophisticated modern physics becomes as new information is unraveled, wrested from elusive subtleties of nature, the underlying simplicity can not ever be displaced [illegible] as Archimedes' bupyancy and lever findings have not been since 250 B.C. Professor Einstein voiced this fact in response to reporter's question on his origin of Relativity when he said that he believed in the ultimate harmony in the universe; Every professional knows that there is an underlying simplicity common to all sciences and arts, also, but no one has ever realized what that underlying simpliicty is, and it is known that the obvious is the most elusive of human searches for answers and the reason why root etiology is unknown in medicine while the medical profession admists that there is a self-healing force in the body, but to this date could not fathom what is is or how it works.

The inescapble facts are that the wole universe is a mass of CONCAVE CURVES, galaxies, atoms, time, space, etc., concave curves from the properties of three-dimesnional spheres, a GYROSCOPE. A gyroscope is stability itself, an other worldly serenity, within which lies the ultimate harmony envisoned by Professor Einstein. TENSION-in-REPOSE is that specially designed program that applies the properties of the gyrsocpe. In the world-wide fact that each and every human beind has imperfect structure from evolutonar reasons, makes the experience of a HUMAN GYRSOCOPE experience so awesome that it triggers a thrust to human vanity when traditional practices and beliefs are threatened with inescapble harmony direct from those forces of harmony in the universe, the CONCAVE CURVE.

So imbued is human vanity entrenched, that it is the underlying cause of the severe and serious injury done to appellant; in treating the injury of dislocated mandibular joint, the doctor whose patient was a pupil of appellant in the TENSION-in-REPOSE program and found "radical improvement" following just two weeks of instructions in T-in-R and astounding unprecedented results in applying simple, minimal reflexing procedure, noted the body symmetry, noted appellant's apparent unprecedented even distribution of body weight that produced unprecedented symmetry and with it delicate balance that made for self-generated, smooth, movement and buoyancy of body, stated he

did not believe in human symmetry, that no human being is symmetrical and should not be, and lived up to his belief rather than to his inescapbale observation before his very professional, long experience and skill after a year's routine reflexing treetment for mandibular dysfunction, and deviated from his simple, year-long routine and without announcing anything beforehand, set about to displace appellant's pelvis with the full knowledge of childood surgical intervention on the left femur that adjusts in natural healting to its own balance so much so that appellant earned a professional living in dancing, singing, athletics, writing, reserching, etc., The deliberate severe misalignment of the pelvis with bone-weight discrepancy of thefemurs disturbed which keeps the re-stailibmation of the pelvis, the pelvis which is the foundation of the body and which, as any foundation that is distrubed, crooked, causes the budiling to crumble, calso causes the body to crumble. It is only appellant's own TENSIGN-in-REPOSE principles and application of them at work that has allowed appellant to get about at all, let alone survive at all, in the final analysis, an objective and first-hand testimony to the power of the CONCAVE CURVE, its intrinsic forces of harmony, and the foundation of the universe.

There is and there cannot be any electromagnetism without the ONCAVE CURVE; there can be no messages from space without the huge disc which is a concave curve to receive the waves and emissions from space, there is no even distribution in cooking food without that utiensil in a concave curve, etc., etc. There is NO LIFT to the human dilemmas without the concave curve in the literal, physical perspective which is the material substance of any entity however small its proportion in the inseparable properties of intangibles as space and time along with material substance; with thelift in the material substance of the body, space is proportioned to its proper porporton and time takes on new meaning as well. The "mind" presumed to reside in the human brain, is supported by the act of the physical ody sending it its supply of blood and the oxygen it requires, with the known medical fact that the brain constitutes 2% of material substance but consumes 20% oxygen consumption; as the concave curve is the lifting agent for thebody, the concave curve then is the means

by which the human brain can be provided total oxygen satisfaction for attaining its inimitable acapaicty; without the lift of the concave curve, there is no counterpoise to the pull of gravity which is a direction of downward and inward, a process manifested early inlife when the bones stop growing and pulling the body upward and the well-known expaneded waistline sets in at that time about age 25, referred to often as a "spare tire" or "pot belly". With the TENSION-in-REPOSE program, one of the very first manifestations of its unprecedented effect is that of a trimmed waistline which ordinary, familiar exercies do not accomplish in proportion to the whole body at any time and which no diet can ever account for as no kind of mount of food can ever take theplace of the whole functoning capacity of the muscles, nerves and bones.

There has never been, and there is not now, in the literature and practices any connection made between the health of the "mind" with the body. The call is still for "rigourous physical activity" which does not make "mental and physical connectons" physiologically, biologically or anatomically; the announcement of a recent publication "Laying Waste"decries the "systematic destruction of our environment" of "chamber of horrors from Maine to California", of "ppor health and undiagnosed illnesses" of denial of repsnsibility by industry" etc. These are but a small portion of the host of "horrors" which is another statement of thelack of harmony in the human species. Harmony must have its origin in the individual life form, each human being which is the conponent part of any society.

With such overwhelming, formidable issues to be resolved for all of life on earth, the lower courts treat a viable, original program in the nature of ridicule, and the author in the manner of a "nuisance" when all the documents support appelalnt's compassion, contructive activities to make some small degree of counterpoise to the "chamber of horrors" on the whole earth, when apid author and appellant is also a victim of an original work contrary to traditional practices with serious life-threatening injuries, not unlike the attitudes of the days of the Inquisition; the only recourse, the only "friend" to protect the Constitutional rights of the independnet individual, is this Court, which must also interest itself in the welfare of society.

THE QUESTIONS PRESENTED ARE SUBSTANTIAL

1. The trial bench's revoking of the Chief Justice's Forma Pauperis order, the demand for defendant's demand for taking deposition costs in exorbitant fees the trial bench knew appelallant could not meet constitutues cruel and unusal punishement for anappellant whose sole "crime" is that of the legal protection with full copyright documents of an original work which promotes the welfare of society as mandated in our Constattion.

2. Meting out such cruel and unusual punishment to a constructive member of society is to deprive that human progress protected by the Constitution Article 1, Section 8, Clause 8; appellant has incompleted mansucripts on new discoveries vital to the welfare and well-being of society which the medical profession lacks and looks for; to deny legal rights of copyright protection and to mete out cruel andunusual punishement is indeed a deterrent to the penniless innovator while the recent reports call for encouragement of innovations.

3. Without the protection of this Court to such vital issues and national and international concerns, without the protection of the independent individual, without the evidence of scientific and technical documents to be received at trial, without the adherence to due process, of equal dispenstion of law between litigants with appellant as pro se, without the proper court-room decorum of courtesy and dignity upheld by this court where the trial bench metes out derision without warrant, then the whole judicial system's reputation for equal justice under the law is threatended.

4. With the formidable blow of the power of the court based on bias and prejudice against pro se appearance, with the known facts ofhistory that it is the independent, and of ten penniless person who make the progressive, constructive contributions to society and social welfare, it is incumbent upon this Court whose obligation is to guarantee theportection and the equal dispensaiont of the mandates of our Constitution.

C O N C L U S I O N

The facts, the records, the issues, the human and humane concerns of national significance and international concerns also, are overwhelmingly substantial and irrefutable with full documentation and rqquire truly pèèsary attentionand consideration of this appeal by this Court to be heard in this Court for ruling.

Dated: New York, N.Y.
May 13, 1980

Respectfully submitted,

Millicent Linden
500 East 74th Street
New York, N.Y. 10021
(212) BU.8-9453

FEB 20 1980 80-1084

1080—Notice of motion: U.S. Court of Appeals: Second Circuit: 7-79 STD. BY JULIUS BLUMBERG, INC. NYC 10013

Second Circuit Rule 27(a) governing use of this form is restated on reverse. Note requirement that lower court opinion or agency decision be attached.

79	Civ. 1914 (MP)

Docket Number

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

LINDEN v. ST. MARTIN'S PRESS & SIDI HESSEL

Use short title

NOTICE OF MOTION

state type of motion

Appeal in Forma Pauperis for assignment of Counsel

MOTION BY: *(Name and tel. no. of attorney in charge)*

OPPOSING COUNSEL: *(Name and tel. no. of attorney in charge)*

SZOLD, BRANDWEN, MEYERS & ALPMAN
30 Broad Street, New York, N.Y. 10004

Has opposing counsel consented? ☐ Yes ☐ No
Has service been effected? ☒ Yes ☐ No
Is oral argument desired? ☐ Yes ☐ No
(Substantive motions only)
Requested return date: February 22, 1980
(See Second Circuit Rule 27(b))
Date of argument of appeal, if scheduled:

EMERGENCY MOTIONS, MOTIONS FOR STAYS & INJUNCTIONS PENDING APPEAL:
Has request for relief been made below? ☒ Yes ☐ No
(See F.R.A.P. Rule 8.)
Would expedited appeal eliminate need for this motion? ☐ Yes ☒ No
If no, explain why not: pl.'s suit below in Forma Pauperis by order of Judge Edelstein; pl. cannot proceed without Forma Pauperis and dismissal of undue costs herein

Judge or agency whose order is being appealed:
U.S.D.J. Milton Pollack

Brief statement of the relief requested:

Plaintiff requests permission to proceed with Appeal to the Court of Appeals for the Second Circuit in Forma Pauperis and Assignment of Counsel

Previous requests for similar relief and disposition:

Plaintiff has received permission to appeal to the Court of Appeasl for the Second Circuit in previous actions in pro se appearance

Statement of the issue(s) presented by this motion:

The issues are substantial and of wide significance for all concerned; pl.'s suit is in copyright infringement of pl.'s entirely original system and publications (TENSION-in-REPOSE); it's very essence of originality demands time & opportunity for understanding; please see attached statement for brief outline.

Brief statement of the facts *(with page references to the moving papers)*:

The facts presented are recognized, accepted, unsailable truths in the scientific communities of all disciplines for inanimate substances and never applied to the animate substance of the human structural anatomy, and acknowledged, commonly known facts deemed disparate and assembled into a cohesive, practical whole system by plaintiff; pl. was denied appropriate arguments at trial and bias by the bench. please see attached statement supplement.

Summary of the argument *(with page references to the moving papers)*:

Defendants plagiarized plaintiff's works in design detail and mode of expression of both instruction and designs incorporated within defendants' publication of 1978 from pl.'s works from 1961 to 1978 alongside contradictory, traditional forms in same publication and unable to provide resolution to the contradictions in conflict with each other on the basis of academic anatomical facts of human structure; defendant-publisher rejected plaintiff's original publication and later original manuscript in 1962 and 1963; defendant-author claims more than 40 years teaching experience with no previous publications and written dedication to the wife of the president of defendant-publis

Please see attached SUPPLEMENTAL STATEMENT for further succinct description.

February 12, 1980 — Millicent Linden
Date — The name signed must be printed or typed
Millicent Linden, plaintiff
Attorney for Pro Se

ORDER

Kindly leave this space blank.

IT IS HEREBY ORDERED that the motion for leave to proceed on appeal in forma pauperis for assignment of counsel

be and it hereby is ~~granted~~ denied and the appeal is dismissed.

WF WHT HJF

4/14/80
Date

Henry J. Friendly
Circuit Judge

Clifford Feinberg
William H. Timbers

RECEIVED
MAY 21 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

MILLICENT LINDEN,

Plaintiff-Appellant,

- v -

ST. MARTIN'S PRESS and SIDI BESSEL,

Defendants-Respondents.

80 - 7086

79 Civ. 1914 (MP)

NOTICE OF APPEAL

S I R S :

PLEASE TAKE NOTICE that the above named plaintiff-appellant, Millicent Linden, hereby appeals to the UNITED STATES SUPREME COURT, Washington, D.C. 20543, from the order and judgement of the UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT, Foley Square, New York, N.Y. 10007, in this action dated April 14, 1980.

Dated: April 17, 1980
New York, N.Y.

Yours, etc.,

Millicent Linden
500 East 74th Street
New York, N.Y. 10021
(212) BU.8-9453

To:

Szold, Brandwon, Meyers & Altman
30 Broad Street
New York, N.Y. 10004

Mrs. Olga Valentine
Pro Se Director
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
Foley Square
New York, N.Y. 10007

GENERAL

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

DATE	FILINGS—PROCEEDINGS
1-24-80	Copies of docket entries and notice of appeal on behalf of Linden filed
2-11-80	Received record on appeal (original papers of district court)
2-20-80	Movant Linden motion for leave to appeal in forma pauperis, filed Movant Linden motion for assignment of counsel, pfs. filed (Order endorsed:4-14-80 forma pauperis and assignment of counsel DENIED, appeal DISMISSED, filed)
2-25-80	Movant Linden"supplemental papers" filed
3-4-80	Appellees affidavit in oppostion to motion for leave to appeal in forma pauperis, pfs. filed
3-10-80	Appellant Linden response to opposition for leave to appeal in forma pauperis etc. filed, pfs
4-15-80	Certified copy of order denying forma pauperis and assignment of counsel and dismissing the appeal issued to district court
4-21-80	Appellant Linden(pro Se) notice of appeal to supreme court filed

JAN
FEB
MAR
APR
MAY
JUN
JUL
AUG
SEP
OCT
NOV
DEC

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

USCA
DOCKET SHEET (5-79)

Docket No. 79-8026 Jalil (ZP)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MILLICENT LINDEN

Plaintiff

-against-

ST. MARTIN'S PRESS
SIDI HESSEL

Defendants

79 Civil 1914 (MP)
79 CIV 1914 (MP)

JUDGMENT

The issues in the above entitled action having been brought on regularly for trial, before the Honorable Milton Pollack, United States District Judge, and a jury, on December 26 and 27, 1979, and at the conclusion of theevidence the Court having submitted the attached special questions to the jury, and the jury having answered the said questions, and the Court having directed a verdict for the defendants on the basis of the jury's answers to the questions, it is,

ORDERED, ADJUDGED and DECREED: That the complaint be and it is hereby dismissed.

Dated: New York, N.Y.
December 28, 1979

Clerk

APPROVED:

Milton Pollack

U.S.D.J.

18

See second page as reverse side of original of above judgment

MICROFILM

At a Stated Term of the United States District Court for the Southern District of New York, held in the United States Court House in the Borough of Manhattan, City of New York on the 26th day of December in the year of our Lord, One Thousand Nine Hundred and Seventy -nine.

PRESENT: HONORABLE: JUDGE POLLACK
United States District Judge.

MILLICENT LINDEN

-vs-

ST. MARTIN'S PRESS
SIDI HESSEL

Docket No. _____

Now comes the Plaintiff by Millicent Linden, PRO SE, 500 E. 74th St., NYC

and moves the trial of this cause. Likewise comes the Defendants by Szold, Brandwen, Meyers & Altman 30 Broad St., NYC 10004. ---422-1777 by--Ezra N. Goodman

Thereupon a Jury is duly empaneled and sworn, and the cause proceeds to Trial. DEC 26 1979

PLAINTIFF'S

DEC 27 1979

DEFENDANT'S

JURY VERDICT (See ~~XXXX~~ Special Questions) --For the DEFENDANTS. --
On the basis of the Jury's answers to the Special Questions, the Court ~~XXXX~~ directs a verdict for the Defendants. POLLACK,J.

* RESTS - DECISION RESERVED ON ALL MOTIONS DEEMED TO HAVE BEEN MADE BY THE DEFENDANTS

* TRIAL CONTINUED DEFENDANTS MOVE TO DISMISS - DECISION RESERVED

(AN EXTRACT OF THE MINUTES)

FM-8—8-21-72-28-000

Millicent Linden v. St. Martin's Press et al 79 Civ. 1914(MP)

SPECIAL QUESTIONS

1. Were the defendants in publishing their book aware of plaintiff's works and have or see and use copies of them from which they could copy?

Answer: No ____ Yes X

If your answer is "No" your work is finished and you may report your answer to question #1 to the Court. If your answer is "Yes" you go on to question #2 which is

2. Is there substantial similarity between the defendant's book and the plaintiff's works?

Answer: No X Yes ____

Again if your answer is "No" you may stop there and report to the Court. If your answer is "Yes" go on to question #3

3. Did the defendant Hessel copy the expression of plaintiff's ideas set out in her works or consciously paraphrase the text of plaintiff's works?

Answer: No ____ Yes ____

4. Were the illustrations and text in defendants book the composition of and based on Ms. Hessel's experience in the fields of dance and physical fitness and based on her own independent research and composition?

Answer: No ____ Yes ____

5. If you find similar expression in the defendants' book and plaintiff's works is that due to principles that are conveyed only through language or pictures or diagrams which are necessarily similar?

Answer: No ____ Yes ____

Foreman of the Jury

IN THE

SUPREME COURT OF THE UNITED STATES

1979 Term

RECEIVED
MAY 21 1980
OFFICE OF THE CLERK
SUPREME COURT, U.S.

No.

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COMES NOW THE Appellant, Millicent Linden, ~~in~~ pro se appearance, pursuant to Rule 53 (1) of the Supreme Court Rules, and asks leave to file this accompanying STATEMENT OF JURISDICTION in the Supreme Court of the UNITED STATES without payment of cosrs and to proceed in forma pauperis.

Your appellant has previously been adjudicated indigent, therefore, your appellant relies upon 28 U.S.C. section 1015 (a) having thus proceeded in the lower court.

AFFIDAVIT IN SUPPORT OF PETITION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I, Millicent Linden, being first duly sworn according to law, depose and say taht I am the petitioner in the above-titled ~~a~~ause, and, in support of my application for leave to proceed without being required to prepay costs or fees, state:

1. Because of my poverty, I am unable to pay the costs of said cause.

2. I am unable to give security for the same.

3. I believe that I am entitled to the redress I seek in said cause.

4. The nature of said cause is briefly stqtes as follows:

Because I have been deprived proper hearing, literally, "my day in court", of redress of issues in my COMPLAINT, on documented facts, their merits and full merits, in accordance with both the 14th Amendment and Article 1, Section 8, Clause 8, of our CONSTITUTION, due process and protection of original works, respectively, and U.S.C.A. 1983, on the occasion of scheduled trial in the District Court, Soughern District of New York, and denied appeal in the Court of Appeals for the Second Circuit in FORMA PAUPERIS, and I am without funds and facilities, indigent and granted poor person relief in initiating the suit by Chief Justice Edelstein in the District Court, because I have been openly intimidated by the trial bench in demanding Bill of Costs payment exceeding $400.00, revoking the Chief Justice's order of court costs, by the trial bench, becasue my works are entirely original, not even in existence in nature, being literally entirely "new under the sun", because it is of National Significance, of social welfare, its originality out of reach of immediate comprehension, including experts in related fields, requiring element of time and examination, denied to me, appeal lies in this Court, for reasons explained herein both personal & professon

SWORN TO BEFORE ME THIS

12th day of May, 1980

Edward J. McLean

Millicent Linden

EDWARD J. McLEAN
Notary Public, State of New York
No. 4511784
Qualified in Nassau County
Commission Expires March 30, 19 82

PUBLIC
ASSISTANCE ACCOUNT

DO NOT FOLD

CASH THIS CHECK AT ONCE
NOT GOOD
AFTER 30 DAYS

THE CITY OF NEW YORK 01375194

DEPARTMENT OF SOCIAL SERVICES

MANUFACTURERS HANOVER TRUST COMPANY

NEW YORK, N.Y.

1-30
210 3148

TO THE ORDER OF

MAY 07 1980

529405-6 LINDEN MILLICENT 1 HR
500 E 77th St #3A 3509034 1 13 DOLLARS CENTS
New York, New York 10021

PAY → SIXTY-FOUR**********55/100

Stanley Brezenoff

⑈01375194⑈ ⑆0210⑈0030⑆013590371?⑈